

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #7	CCRB Case #: 201706565	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/31/2017 2:46 PM	Location of Incident: § 87(2)(b)	Precinct: 18	18 Mo. SOL 1/31/2019	EO SOL 1/31/2019	
Date/Time CV Reported Fri, 08/04/2017 9:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/10/2017 6:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Shauna Paramourreid	09059	953215	MTN PCT
2. POF Iselaine Guichardohermenegi	26256	948268	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Shauna Paramourreid	Abuse: Police Officer Shauna Paramourreid forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POF Iselaine Guichardohermenegi	Abuse: Police Officer Iselaine Guichardo-Hermenegildo Cruz forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POF Shauna Paramourreid	Force: Police Officer Shauna Paramourreid used physical force against § 87(2)(b)	§ 87(2)(b)
D.POF Iselaine Guichardohermenegi	Force: Police Officer Iselaine Guichardo-Hermenegildo Cruz used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 4, 2017, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via phone. The complaint generated log number 17-29933 and was received at the CCRB on August 10, 2017.

On July 31, 2017, at approximately 2:46 p.m., § 87(2)(b) was at the § 87(2)(b) in Manhattan, when PO Shauna Paramour-Reid and PO Iselaine Guichardo-Hermenegildo Cruz of the Midtown North Precinct arrived at the location. PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz made the decision to transport § 87(2)(b) to § 87(2)(b) (**Allegation A and B: Abuse of Authority, § 87(2)(g)**). Prior to § 87(2)(b) entering the ambulance, PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz allegedly punched § 87(2)(b) on her arms (**Allegation C and D: Force, § 87(2)(g)**). § 87(2)(b) was not summonsed or arrested as a result of this incident. She did not sustain any injuries but was transported to § 87(2)(b) for a psychological evaluation.

The investigation obtained video footage of the incident from § 87(2)(b) (Board Review 01, 02 and 03).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Shauna Paramour-Reid forcibly removed § 87(2)(b) to the hospital.

Allegation B – Abuse of Authority: Police Officer Iselaine Guichardo-Hermenegildo Cruz forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) stated that prior to the incident; she did not visit § 87(2)(b) where she receives medical care and shelter, for about a week and therefore did not receive any of her medication, including Abilify, which she takes for Schizophrenia. On July 31, 2017, § 87(2)(b) was with her psychologist, § 87(2)(b) when she overheard § 87(2)(b) dial someone on the phone and inform them that § 87(2)(b) was with her inside of her office. Shortly after, PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz responded to § 87(2)(b)'s office and § 87(2)(b) informed them that § 87(2)(b) was off her medication and needed to go to the hospital. § 87(2)(b) told the officers that she did not want to go to the hospital on multiple occasions, however, she ultimately walked out of the building and was transported to § 87(2)(b) where she stayed overnight for a psychological evaluation (Board Review 04).

PO Paramour-Reid did not remember what information was included in the radio run for this incident but stated that the job was marked as an “EDP job” and that EMS was also notified to respond. Once at the location, PO Paramour-Reid and her partner spoke to the facility’s director, identified via the investigation as § 87(2)(b) who informed them that § 87(2)(b) was an emotionally disturbed person (EDP) and that they had her confined in a room upstairs. § 87(2)(b) further informed the officers that § 87(2)(b) needed to go to a hospital and that she refused to do so when asked by the staff. PO Paramour-Reid did not remember if § 87(2)(b) ever mentioned the reason why § 87(2)(b) needed to be taken to a hospital. After briefly speaking with § 87(2)(b) PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz were joined by two EMTs, who accompanied them inside of the room containing § 87(2)(b) and two psychologists, including § 87(2)(b) and one psychologist who remains unidentified. The psychologists informed the officers that § 87(2)(b) was an EDP and that she needed to be hospitalized. PO Paramour-Reid did not remember if the psychologists informed her about § 87(2)(b)'s physical and psychological state and did not remember any additional information pertaining to § 87(2)(b) communicated by § 87(2)(b) and the psychologists. The

psychologists also spoke to § 87(2)(b) however, PO Paramour-Reid did not remember any details of their conversation.

PO Paramour-Reid, her partner and the EMTs informed § 87(2)(b) that they received a 911 call and that she needed to go to the hospital, but § 87(2)(b) repeatedly refused. PO Paramour-Reid believed it was § 87(2)(b) who called 911. She also informed § 87(2)(b) that she needed to be taken to a hospital “for her own safety.” Based on her interaction with § 87(2)(b) PO Paramour-Reid believed her to be coherent though very repetitive in her refusal to go with the officers. PO Paramour-Reid believed § 87(2)(b) to be an EDP because of her repetitive statements and her slouched posture while seated in the room. There was nothing else about § 87(2)(b)'s behavior which made PO Paramour-Reid believe that she was mentally ill, temporarily deranged or EDP. PO Paramour-Reid did not interact with § 87(2)(b) on any prior occasions. At the time of the incident § 87(2)(b) was not violent and PO Paramour-Reid did not believe that she was a danger to herself or others. After a lengthy conversation involving the officers, the psychologists and the EMTs, § 87(2)(b) finally agreed to go to the ambulance. PO Paramour-Reid did not contact her supervisor regarding the decision to take § 87(2)(b) to the hospital. PO Paramour-Reid further explained that it was the psychologists who ultimately decided that § 87(2)(b) needed medical attention and the EMTs concurred with this decision (Board Review 05).

PO Guichardo-Hermenegildo Cruz and her partner received a radio run for an EDP female off her medication at § 87(2)(b) in Manhattan. PO Guichardo-Hermenegildo Cruz did not remember if the radio run included any additional information about § 87(2)(b) and confirmed that she was familiar with the location listed in the job, which she described as a facility for “people with psychological problems.” Upon arriving at the location, the officers spoke to § 87(2)(b) who PO Guichardo-Hermenegildo Cruz believed to be the 911 caller. He explained to the officers that § 87(2)(b) ran away from the facility a few days prior to the incident and did not receive her prescribed medication during that time period. PO Guichardo-Hermenegildo Cruz did not remember if § 87(2)(b) informed her about § 87(2)(b)'s medical history and what medication she was taking. § 87(2)(b) also informed PO Guichardo-Hermenegildo Cruz that he was concerned for § 87(2)(b)'s hygiene and diet, as he suspected that she did not take proper care of herself while away from the program. He recommended that the officers take § 87(2)(b) to the hospital and mentioned that § 87(2)(b) ran away from police officers on at least one occasion when they attempted to take her to a hospital for treatment. EMTs also arrived at the facility and § 87(2)(b) informed them of the same details. PO Guichardo-Hermenegildo Cruz and PO Paramour-Reid, along with the EMTs, went upstairs where they spoke with § 87(2)(b) and her counselor, § 87(2)(b). § 87(2)(b) also informed both officers that the program's employees were concerned for § 87(2)(b) and that she needed to go to the hospital. Based on her interaction with § 87(2)(b) it appeared that the counselor had knowledge of § 87(2)(b)'s medical history at the time of the incident. PO Guichardo-Hermenegildo Cruz attempted to convince § 87(2)(b) to walk with the officers to the ambulance; however, § 87(2)(b) repeatedly refused.

After the officers, the EMTs and § 87(2)(b) all spoke to § 87(2)(b) and repeatedly asked her to go to the hospital, § 87(2)(b) finally got up from her seat and compliantly walked out of the building with the officers and the EMTs. PO Guichardo-Hermenegildo Cruz described § 87(2)(b)'s demeanor as calm. § 87(2)(b) did not elevate her voice while continuously refusing to go to the hospital and did not act violent. There was also nothing about § 87(2)(b)'s behavior that indicated that she was a danger to herself or others or that she was mentally ill or temporarily deranged during the time of the incident. However, based on the information received

from § 87(2)(b) and § 87(2)(b) as well as PO Guichardo-Hermenegildo Cruz's observation of § 87(2)(b)'s "blood shot eyes" and "really bad" scent, PO Guichardo-Hermenegildo Cruz believed that § 87(2)(b) needed medical treatment.

PO Guichardo-Hermenegildo Cruz interacted with § 87(2)(b) on one prior occasion, when § 87(2)(b) refused to leave Dunkin Donuts for hours and police assistance was required. Due to their interaction, PO Guichardo-Hermenegildo Cruz believed that § 87(2)(b) was mentally ill because of her refusal to leave to location, slow speech and delayed thinking process. On the day of the incident, § 87(2)(b) appeared to be in worse physical condition than during her last interaction with PO Guichardo-Hermenegildo Cruz. These factors, in connection with the information received from § 87(2)(b) and the unidentified counselor, made her concerned for § 87(2)(b)'s wellness. PO Guichardo-Hermenegildo Cruz did not remember if she spoke to EMTs about § 87(2)(b)'s condition but recalled that they specifically concurred with § 87(2)(b)'s and § 87(2)(b)'s decision to take § 87(2)(b) to the hospital. PO Guichardo-Hermenegildo Cruz called the decision to hospitalize § 87(2)(b) a "collaborative" effort and did not remember if she contacted a supervisor prior to transporting § 87(2)(b) to § 87(2)(b) (Board Review 06).

Statements from § 87(2)(b) and § 87(2)(b) were not obtained as § 87(2)(b) refused to provide a statement to the CCRB and did not want the staff of § 87(2)(b) to participate in the investigation due to their professional relationship with § 87(2)(b).

According to the 911 audio recordings, § 87(2)(b) the program director of § 87(2)(b) at § 87(2)(b) called 911 for § 87(2)(b). During the 911 call, he explained that § 87(2)(b) stopped taking her medication and that her psychologist, § 87(2)(b) recommended that she be taken to a hospital. § 87(2)(b) acknowledged speaking with PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz during the incident and informing them that § 87(2)(b) ran away from police officers a week prior and that she needed to be restrained (Board Review 07). This information was reflected on the ICAD, which described § 87(2)(b) as non-violent, however, also listed her as an EDP who was a danger to herself and others (Board Review 08).

Whenever police officers encounter emotionally disturbed or mentally ill people, whose actions constitute an immediate threat of serious physical injury or death to themselves or others, officers must contain and remove the individuals to a hospital in an ambulance. If the emotionally disturbed individuals are unarmed, nonviolent and are willing to leave voluntarily, officers do not need to consult a supervisor prior to taking them into custody. Patrol Guide Procedure, 221-13 (Board Review 09).

As per the 911 call recording and CAD generated for this incident, § 87(2)(b) was described as an EDP with a psychological history who did not take her medication. The same description was communicated to the officers during the radio run, prior to their interaction with § 87(2)(b) at the § 87(2)(b).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation C – Force: Police Officer Shauna Paramour-Reid used physical force against

§ 87(2)(b)

Allegation D – Force: Police Officer Iselaine Guichardo-Hermenegildo Cruz used physical force against

§ 87(2)(b)

Upon filing the complaint with the IAB on August 4, 2017, § 87(2)(b) stated that she interacted with two female officers, one of whom punched her in the arm (Board Review 10).

During her verified phone statement on October 4, 2017, § 87(2)(b) stated that once she was outside of the § 87(2)(b) the EMTs instructed her to go inside of the ambulance. Immediately following the EMTs instruction, PO Paramour-Reid punched § 87(2)(b) on the upper right arm and PO Guichardo-Hermenegildo Cruz punched her on the upper left arm. § 87(2)(b) was unable to describe exactly how she was punched and whether the officers hit her with closed fists. § 87(2)(b)'s body did not move as a result of the strikes and other than feeling “a little pain” § 87(2)(b) did not suffer any injuries. Neither PO Paramour-Reid nor PO Guichardo-Hermenegildo Cruz issued any commands to § 87(2)(b) prior to punching her and they did not make any subsequent physical contact with her. Even though § 87(2)(b) initially refused to enter the ambulance, she was compliant while interacting with the officers and did not attempt to flee the location (Board Review 02).

PO Paramour-Reid stated that § 87(2)(b) was compliant with walking out of the building and did so without the officers' assistance. Once in front of the § 87(2)(b) § 87(2)(b) once again stated that she did not want to go to the hospital and refused to walk to the ambulance. After speaking to § 87(2)(b) for a few minutes, PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz finally convinced her to walk inside of the ambulance. The officers did not make any physical contact with § 87(2)(b) throughout the incident and did not use physical force against her. PO Paramour-Reid denied punching § 87(2)(b) on the arm and did not observe PO Guichardo-Hermenegildo Cruz do so (Board Review 03).

PO Guichardo-Hermenegildo Cruz stated that after walking out of the building, § 87(2)(b) suddenly stopped and informed the officers that she did not want to go to the hospital. The officers and the EMTs continued explaining to § 87(2)(b) that it was necessary for her to go to hospital, with little results. After some time, PO Guichardo-Hermenegildo Cruz said something to the extent of “let's go” and placed her hand on § 87(2)(b)'s shoulder. She then gently guided § 87(2)(b) toward the entrance of the ambulance and § 87(2)(b) compliantly walked inside without posing any issues. PO Guichardo-Hermenegildo Cruz described § 87(2)(b) as a “little lady” and did not remember if § 87(2)(b) needed assistance to walk inside of the ambulance. PO Guichardo-Hermenegildo Cruz denied that she or PO Paramour-Reid used physical force against § 87(2)(b) or punched § 87(2)(b) on the arm or elsewhere on her body (Board Review 04).

The video footage of the incident depicts § 87(2)(b) exit the building while accompanied by PO Paramour-Reid, PO Guichardo-Hermenegildo Cruz and two EMTs. § 87(2)(b) who exits the building on her own, remains standing near the front entrance for roughly

three and a half minutes, during which time she converses with the officers and the EMTs. At 03:42 minutes in the recording, PO Guichardo-Hermenegildo Cruz gently places her right hand on § 87(2)(b)'s back and her left hand on § 87(2)(b)'s left shoulder while the male EMT touches § 87(2)(b)'s right hand. PO Guichardo-Hermenegildo then guides § 87(2)(b) in the direction of the ambulance, which is located off screen. During this time, PO Paramour-Reid follows behind PO Guichardo-Hermenegildo and the male EMT for about a second, before she walks off and joins them on the left side of the ambulance (Board Review 11). Because of the angle of the camera, the video footage does not clearly depict the entirety of § 87(2)(b)'s interaction with the officers while at the rear of the ambulance. However, PO Paramour-Reid and PO Guichardo-Hermenegildo Cruz do not appear to make any physical movements resembling punches prior to § 87(2)(b) entering the ambulance (Board Review 12 and 13).



2017-11-09_15-40-05.mp4



2017-11-14_15-04-34.mp4



2017-11-14_15-06-04.mp4

In the Command Center recording, § 87(2)(b) informed the IAB officer that he observed § 87(2)(b) being escorted to an ambulance by police officers and EMTs; however, he did not observe any of the officers punch § 87(2)(b). § 87(2)(b) also added that § 87(2)(b)'s psychologist, § 87(2)(b) and the case manager, § 87(2)(b) observed the incident through the window and did not observe any physical force being used against § 87(2)(b) as she was being placed in the ambulance (Board Review 07). There was also no TRI report generated for § 87(2)(b) (Board Review 14).

Statements from § 87(2)(b) and § 87(2)(b) were not obtained as § 87(2)(b) refused to provide a statement to the CCRB and did not want the staff of § 87(2)(b) to participate in the investigation due to their professional relationship with § 87(2)(b).

The video footage of the incident was consistent with the statements provided by the officers and did not depict any physical force being used against § 87(2)(b). The officers do not appear to exhibit any aggression or forceful behavior toward § 87(2)(b) while on screen. Based on this evidence, § 87(2)(b)'s interaction with the officers was peaceful and the officers did not make any physical contact with § 87(2)(b) except for a brief moment, when she was guided to the ambulance.

§ 87(2)(b) § 87(2)(g) initially alleged that only one officer punched her in the arm but alleged that two officers hit her during her verified phone statement. As noted below, in § 87(2)(b)'s prior CCRB complaint from § 87(2)(b) the investigation determined that her physical force allegation was fabricated.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one prior CCRB complaint (Board Review 15).

- In CCRB Case § 87(2)(b) § 87(2)(b) alleged that an officer kicked her in the leg and struck her shoulder with an asp. The investigation determined her allegation to be unfounded based on video evidence and testimonies from civilian witnesses and police officers.
- PO Paramour-Reid has been a member of the service for five years. This is her first CCRB complaint (Board Review 16).
- PO Guichardo-Hermenegildo Cruz has been a member of the service for eight years. She has been a subject of two allegations stemming from one complaint (Board Review 17).
 - In CCRB Case 201505452, a search allegation has been substantiated against PO Guichardo-Hermenegildo Cruz. The CCRB recommended Formalized Training and the NYPD concurred with this decision.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [REDACTED]
 [REDACTED]
- As of November 16, 2017, there was no Notice of Claim filed for this incident (Board Review 19).

Squad: 7

Investigator:	_____ Signature	<u>FILIP WORONIECKI</u> Print	_____ Date
Squad Leader:	_____ Title/Signature	<u>IM TOWNSEND</u> Print	_____ Date
Reviewer:	_____ Title/Signature	_____ Print	_____ Date